

REMARKS/ARGUMENTS

Claims 1-10, 12, 15-22, 24, 25, 28-32, 35 and 36 remain pending in the application, as claims 13, 14, 26, 27, 33 and 34 have been canceled without prejudice and claims 11 and 23 were previously canceled without prejudice. In the office action, claims 29-35 were rejected under 35 U.S.C. 101as being directed to non-statutory subject matter. Applicants have amended independent claim 29 to overcome the rejection, and Applicants request its withdrawal.

Also in the Office Action, claims 1-3, 13, 15-17, 26, 29, 33 and 36 were rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Application Publication No. 2002/0169008 to Hiben, et al. (Hiben) in view of U.S. Patent Application Publication No. 2004/0102219 to Bunton, et al. (Bunton) and further in view of U.S. Patent Application Publication No. 2004/0204183 to Lencevicius (Lencevicius). Further, claims 4, 5, 8, 18, 19, 24 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Lencevicius and further in view of U.S. Patent No. 6,427,072 to Reichelt (Reichelt). Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Lencevicius and further in view of U.S. Patent Application Publication No. 2004/0121767 to Simpson, et al. (Simpson).

Further, claims 7, 12, 21, 25 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Lencevicius and further in view of U.S. Patent No. 6,385,469 to Alperovich, et al. (Alperovich), and claims 9, 10, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Lencevicius in view of Reichelt and further in view of U.S.

Patent Application Publication No. 2002/0086718 to Bigwood, et al. (Bigwood). Claims 14, 27, 28, 34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Lencevicius and further in view of well-known prior art under MPEP 2144.03, which the Examiner contends is supported by U.S. Patent No. 5,705,980 to Shapiro (Shapiro).

Independent claim 1 has been amended by incorporating the limitations of dependent claim 14 therein. Independent claims 15, 29 and 36 have been similarly amended. Applicants submit that Bunton does not describe the feature of the receiver identification including a location description in which the location description is compared to a current location of the device, and an event that causes the emergency mode situation at least partially occurs in the location description. At best, Bunton describes suspending and restoring transmissions from selected mobile stations (see paragraph 0137), but it does not explain that location descriptions are included in the transmissions from the central control station or that a comparison process is performed at the mobile station when the location description is performed. The claimed subject matter presents a more flexible approach, as emergency workers, for example, in a state or other region that is under an emergency condition in which the emergency workers are too far to respond to the emergency may avoid having their radios unnecessarily dropped into a low power mode.

In view of the above, Applicants submit that the above claims are now patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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